

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KENNETH JOHANSEN,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
HB INSURANCE)	<u>NOTICE OF REMOVAL</u>
SOLUTIONS LLC, et al.,)	
)	
Defendants.)	

Removing Defendants HB Insurance Solutions LLC (“**HB Insurance**”) and Brandon William Hermann (“**Mr. Hermann**”) (collectively referred to herein as “**Removing Defendants**”), by counsel, hereby remove Case Number 2020 CVI 030216, currently pending in the Municipal Court of Franklin County, Ohio, to the United States District Court for the Southern District of Ohio, Eastern Division. Removal is based upon 28 U.S.C. §§ 1331, 1441, and 1446. As grounds for removal, Removing Defendants state the following:

1. Plaintiff Kenneth Johansen (“**Mr. Johansen**”) commenced this action on or about November 19, 2020, by filing a Complaint (“**Complaint**”) in the Municipal Court of Franklin County, Ohio (“**State Court Action**”). The State Court Action was assigned Case Number 2020 CVI 030216 and is a civil action within the meaning of 28 U.S.C. § 1441(a).

2. The Complaint alleges violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, among other counts. Accordingly, removal is warranted because this Court has jurisdiction over the action pursuant to 28 U.S.C. §1331, (i.e., federal question subject matter jurisdiction.)

3. Plaintiff is a resident of Dublin, Ohio, County of Franklin.

4. Removing Defendant HB Insurance is an Arizona corporation with its principal place of business in Litchfield Park, Arizona, County of Maricopa.

5. Removing Defendant Mr. Hermann is a resident of Litchfield Park, Arizona, County of Maricopa.

6. Removing Defendants are not citizens of the same state as the Plaintiff, and thus complete diversity of citizenship therefore exists between the parties.

7. Removal to this court is proper. Pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal is being filed in this Court, which is the federal district court embracing the state court where the State Court Action was filed.

8. Removal is timely. The summons and Complaint were effectively served on December 10, 2020. Receipt of the Summons and Complaint was the first notice of the State Court Action received by Removing Defendants. This Notice of Removal is being filed within (30) days after receipt by Removing Defendants of the State Court Action Complaint. See 28 U.S.C. § 1446(b).

9. The Complaint alleges claims under Ohio state law, specifically for violations of R.C. 1345, *et seq.*, and R.C. 4719, *et seq.* These state law claims are related to the claims that grant this Court original jurisdiction in such a manner that they form the same case and controversy. Accordingly, this Court has supplemental jurisdiction over the state law claims alleged in this action pursuant to 28 U.S.C. § 1367. A copy of the Complaint and Summons is attached hereto as **Exhibit A**.

10. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. See 28 U.S.C §1446(a).

11. The Notice of Filing of Notice of Removal filed with the Municipal Court of Franklin County, Ohio, is attached hereto as Exhibit B, and has been served upon the Plaintiff.

WHEREFORE, Removing Defendants HB Insurance Solutions LLC and Brandon William Hermann, respectfully request that this action be removed to this Court from the Franklin County Municipal Court, Ohio.

December 23, 2020

Respectfully submitted,
HAHN LOESER & PARKS LLP

/s/ Christopher B. Wick

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*Attorneys for Removing Defendants HB
Insurance Solutions LLC and Brandon
William Hermann*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of December 2020, a copy of the foregoing Notice of Removal was served by U.S. mail, postage prepaid, upon the following:

Kenneth Johansen
5202 Avery Oak Drive
Dublin, Ohio 43016

/s/Christopher B. Wick

*One of the Attorneys for Removing
Defendants HB Insurance Solutions LLC
and Brandon William Hermann*